

REMARKS

In the Office Action dated August 7, 2009, claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Freytag in view of Thiel. Applicant notes with appreciation the telephone interview courteously afforded the undersigned representative of the Applicant on December 8, 2009, wherein this rejection was discussed. The present Amendment embodies agreements that were reached in that telephone interview.

As discussed in the telephone interview, an important feature of the arrangement disclosed and claimed in the present application is to avoid the "bottleneck" that occurs due to the participation of the processor in a postage meter machine when transferring rate table data from a remote data center to a postage scale, wherein the postage scale has a postage calculator therein. As explained in the present application and as discussed at the interview, in conventional systems wherein the postage meter participates in the downloading of rate table data to a postage calculating scale, the data still must pass through the processor of the postage meter. Due to size constraints and other factors that limit the processing capability of the processor in such a postage meter, when the postage meter processor must perform the task of participating in the downloading of rate table data and transferring the downloaded rate table data to a postage calculating scale, the postage meter processor either cannot simultaneously perform other tasks associated with controlling or operating the postage meter, or must perform those tasks at a slower processing rate. This results in a well-documented bottleneck in the downloading of rate table data to a postage calculating

scale. Typically, it is not economically feasible to include communication equipment in such a postage calculating scale, and therefore it is necessary to use the postage meter as a communication device when downloading rate table data to the postage calculating scale, thereby conventionally necessitating the involvement of the postage meter calculator in this task.

This problem is overcome in accordance with the present invention by providing a switchover device that, when downloading a rate table data is to take place through the postage meter to the postage calculating scale, causes the downloading to take place directly to the postage calculating scale, without any storage or processing of the downloaded data in the processor of the postage meter.

Applicant submits that such an arrangement is not disclosed or suggested in the Freytag or Thiel references.

In the Office Action as well as in the telephone interview, the Examiner noted Figure 9 of the Freytag reference, and noted that the item designated I/O 22 in Freytag can be a postage calculating scale. The Examiner stated that if data were downloaded to the I/O 22 in Freytag, this would occur, as shown in Figure 9, through serial interfaces 62 and 63. The Examiner stated this would therefore not involve the participation of the processor 111.

In response, as also discussed in the interview, Applicant's representative stated that the serial interfaces 62 and 63 must still be controlled or operated by the processor, and, moreover, there is no direct connection between those serial interfaces. The serial interfaces 62 and 63,

therefore, merely serve as “ports” into and out of the processor 111, and the data therefore must still pass through the processor 111 in Figure 9 of the Freytag reference in such a situation. Therefore, the aforementioned bottleneck in the downloading of data still occurs in the Freytag arrangement.

In the telephone interview, Applicant’s representative stated that the terms “directly” and “exclusively” in independent claim 1 of the present application were intended to differentiate the subject matter of claim 1 from the aforementioned situation shown in Figure 9 of the Freytag reference. The Examiner stated he did not believe those terms were sufficiently limiting to preclude claim 1 from still reading on the arrangement of Figure 9. It was agreed in the telephone interview, however, that if claim 1 were amended to state that the downloading of the rate table data takes place with no internal processing or storage of the rate table data by the processor of the postage meter, this would preclude interpretation of claim 1 from reading on Figure 9 of the Freytag reference. Making this change in claim 1, however, would require the additional change in claim 1 of affirmatively stating that the postage meter contains the aforementioned processor.

Claim 1 has therefore been amended in the manner discussed in the telephone interview and, for the above reasons, is submitted to be patentably distinguishable over the Freytag reference, even if modified in accordance with the teachings of the Thiel reference. Since the Examiner did not rely on the Thiel reference as providing a teaching relating to the aforementioned lack of involvement of the processor with the downloading procedure, the

modification of Freytag in accordance with the teachings of Thiel would not be relevant to the above arguments on that point.

The Examiner also stated in the telephone interview that making such a change at this stage of prosecution, after the final rejection, would raise a new issue requiring further searching or consideration, and thus could only be entered and considered by filing an RCE. The present Amendment is therefore accompanied by the filing of such an RCE.

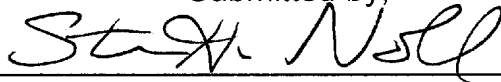
Additionally in the Office Action, claims 4-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Freytag/Thiel combination, further in view of Dlugos et al. Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Freytag and Thiel and Dlugos et al., further in view of Jacobsen et al.

Applicant submits the above arguments concerning the Freytag/Thiel combination are applicable to these rejections as well. For the above reasons, even if that combination were further modified in accordance with the teachings of Dlugos et al. or Jacobsen et al, the subject matter of the aforementioned dependent claims still would not result.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



(Reg. 28,982)

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